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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,387	02/18/2004	Gibong Jeong	TI-36602	1921
23494 7590 10/07/2008 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265				
EXAMINER TRAN, PHUC H				
ART UNIT 2616		PAPER NUMBER		
NOTIFICATION DATE 10/07/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

Office Action Summary

Application No.

10/781,387

Applicant(s)

JEONG ET AL.

Examiner

PHUC H. TRAN

Art Unit

2616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-28 is/are allowed.
- 6) ☒ Claim(s) 29-31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 29-31 and 33-35 are rejected under 35 U.S.C. 102 (e) as being anticipated by Vanghi et al. (Pub. No. 20050073977).

- With respect to claim 29, Vanghi discloses a wireless device comprising:

a modem (e.g. 210 in Fig. 2) coupled to a radio frequency (RF) circuit (236 in fig. 2), the modem containing circuitry to encode and modulate a first data stream to provide to the RF circuit for data transmission purposes (e.g. the mod 214 in Fig. 2 and paragraph 33) and demodulate and decode a first received signal from the RF circuit for data reception purposes, wherein the modem implements a first version of a technical specification for the modem data transmission and reception (e.g. paragraph 34); and a coprocessor coupled to the modem and the

RF circuit (e.g. block 210 in fig. 2), the coprocessor containing circuitry to encode and modulate a second data stream to provide to the RF circuit for data transmission purposes and demodulate and decode a second received signal from the RF circuit for data reception purposes, wherein the coprocessor implements a second version of the technical specification for the coprocessor data transmission and reception (e.g. block 210b in fig. 2 and paragraph 37) and; the RF circuit, wherein the RF circuit contains circuitry to wirelessly transmit the first and second data stream and wirelessly receive the first and second received signals (e.g. the blocks 232, 234 and 238 in Fig. 2).

- With respect to claim 30, Vanghi discloses wherein the second version of technical specification is a superset of the first version of the technical specification (e.g. the technical of modem processor 210 in fig. 2).

- With respect to claim 31, Vanghi discloses wherein the coprocessor implements a portion of the second version of the technical specification not included in the first version of the technical specification (e.g. the CDMA and UMTS of block 210 in Fig. 2)

- With respect to claim 33, Vanghi also discloses wherein the wireless device is used in a wireless communication system (e.g. Fig. 1).

- With respect to claim 34, Vanghi teaches wherein the wireless communication system is a UMTS Release 5 compliant system (e.g. block 210a in Fig. 2).

- With respect to claim 35, Vanghi teaches wherein the wireless communication system is a CDMA Release C compliant system (e.g. block 210b in Fig. 2).

Response to Amendment

3. In response to Election Restriction, Applicant elects group III, claims 19-35 and cancels groups I and II, claims 1-18.
4. Applicant's arguments with respect to claims 29-31 and 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 19-28 are allowed.
6. Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571)272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUC H TRAN/

Examiner, Art Unit 2616